

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
FIVE POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912**

**MEMORANDUM**

**DATE:** January 26, 2016

**SUBJ:** TSCA Section 402(c)/ RRP Records Inspection of *Keith Trembley Builders, Inc. dba Paul Davis Restoration & Remodeling, Milford, ME*

**FROM:** M. Molly Magoon, Environmental Protection Specialist  
Alma Padilla, SEE Inspector  
Toxics and Pesticides Unit (TPU), Office of Environmental Stewardship (OES)

**THRU:** Sharon Hayes, Manager  
TPU, OES, EPA-New England

**TO:** File

**I. Facility Information**

Facility Name and Location: Keith Trembley Builders, Inc. dba Paul Davis Restoration & Remodeling ("Paul Davis Restoration")  
P. O. Box 428  
Old Town, ME 04468

9 County Road  
Milford, ME 04468

**II. Background Information**

Date of Inspection: January 21, 2016

Personnel Present during Inspection:

Molly Magoon – US EPA  
Alma Padilla – US EPA  
Keith Trembley, President/Owner of Paul Davis Restoration  
Adria Yvonne LaRose, Attorney at Eaton Peabody  
Maurice Newland, Operations Manager – Paul Davis Restoration  
Lisa Mahaney, Office Manager – Paul Davis Restoration

### **III. Purpose of the Inspection**

This EPA inspection was conducted to document and verify compliance with the recordkeeping requirements of Section 402(c), the Renovation of Target Housing Rule, codified at 40 C.F.R. 745, Subpart E (Renovation, Repair and Painting Rule or "RRP" Rule).

### **IV. Summary of EPA Inspection Activities**

Paul Davis Restoration came to EPA's attention from a complaint regarding a 2013 job done by this company at 188 Veazie Street in Old Town, ME. The complaint was received by EPA on January 2014 and again on October 2015.

On January 21, 2016, EPA inspectors Magoon and Padilla ("the inspection team") arrived at 9 County Road in Milford, ME at around 1:00 p.m., as arranged. The inspectors met with and showed their credentials to Keith Trembley, President/Owner of Paul Davis Restoration, his attorney, and his staff. Inspector Magoon explained what the inspection would entail. The EPA inspectors completed and obtained Mr. Trembley's signatures on EPA's TSCA *Notice of Inspection* form for RRP and the TSCA *Inspection Confidentiality Notice* form (Attachments 1 and 2). Mr. Trembley did not make a claim of confidentiality.

### **V. Business Operations**

Paul Davis Restoration is a residential and commercial building contractor providing mostly emergency restoration services (fire & water damage restoration and mold remediation, which constitute approximately 90% of their business). The company was established in 1980 and incorporated in Maine in 1991. Another division of the company, Keith Trembley Home Solutions, does mostly new home and commercial construction. It also does business as Paul Davis Restoration & Remodeling. The company, which is RRP firm-certified, has approximately 20 employees, 7 of whom are RRP renovator-certified. Lisa Mahaney, Office Manager, stated that some of them may have their certificates expiring soon, if not already expired. Inspector Padilla agreed to send her EPA's extended expiration dates, based on course completion dates (sent via email on January 26, 2016).

Mr. Trembley submitted copies of the company's RRP firm certificate, together with 7 of his staff's individual RRP renovator certificates (Attachment 3). As it turned out, 2 staff members have recently completed the 4-hour refresher training and the other 5 have their certificates valid until March 31, 2016 & June 2016, based on EPA's extension. Ms. Mahaney sent an email on January 26, 2016 asking Inspector Padilla if the renovator certificate of another staff member issued by North Carolina is valid in Maine and recognized by EPA. Inspector Padilla answered in the affirmative and told her that he can take the refresher training in Maine before his certificate expires.

### **VI. Record Review**

Inspector Magoon explained to the Paul Davis Restoration staff how EPA responds to a tip or complaint.

Inspector Magoon then explained in detail what “emergency repairs” mean and when the RRP Rule is triggered. She gave a few examples and answered Keith Trembley’s and his staff’s questions. They were all thankful that now, they are clear on when “emergency” ends. Inspector Magoon proceeded to explain that all pre-78 properties, including child-occupied facilities, should be treated as containing lead, unless they were tested and the results were negative for lead. She also explained vertical containment and the required training for workers who are not RRP-certified. Mr. Trembley stated that John Bucci, lead inspector for Maine Department of Environmental Protection (DEP), mentioned this to him when he inspected the job at Veazie Street. (At the time, Inspector Jamie DeSousa, who was in touch with Mr. Bucci regarding this complaint, sent a compliance assistance letter and package to Paul Davis Restoration, which the company never received. Apparently, mail addressed to 9 County Road in Milford does not always reach them. Mr. Trembley indicated that the post office address is a better way of sending materials to the company.)

Inspector Magoon randomly selected 5 jobs, including the subject of the complaint, from Mr. Trembley’s files. These were reviewed by the inspectors. Mr. Trembley stated that they were called to the property at 188 Veazie Street in Old Town, ME, after a fire. He stated that they cleaned up the mess with a HEPA vacuum, after a “complete demolition,” contrary to the complainant’s claims. However, the cleaning and verification were not documented. Mr. Trembley did admit that because of the “complete demolition” and the fact that the house was vacant, the company considered this job as “emergency repairs,” rather than RRP-regulated, and did not give a pre-renovation notification. (Inspector Magoon explained the difference between partial and total demolition of an entire structure, and stated that partial demolition, which could disrupt painted surfaces, is covered by RRP.) Mr. Trembley proceeded to say that after the clean-up, the complainant promised to pay them so many times but never did so. After several months of non-payment, Mr. Trembley turned the case to legal. That was when the complainant called the Maine DEP and US EPA. According to Mr. Trembley, the complainant just left town leaving the house in disrepair, supposedly pocketing the \$27,000 owed to Paul Davis Restoration. A *Notification of Potential Violations of the Federal RRP Rule* form was filled out by Inspector Magoon for this job (Attachment 4), signed by both the inspector and Mr. Trembley, copied, and the original copy given to Mr. Trembley.

Table of Pre-78 Housing Jobs in Maine:

Date of Contract	Address of Property	Owner(s)	Description of Work	Pre-Renovation Notification
09/25/2013	188 Veazie St., Old Town	Jennie Cook	House damaged by fire, smoke, and water. Removal of affected structures; drying; and cleaning	no
04/17/2015	105 Main Road N, Hampden	Robert Gott	Water damage restoration	yes
08/17/2015	18 Ocean St., Belfast	Kathleen MacLaren	Water damage restoration	yes
12/11/2015	2699 Union St., Hermon	Robert Jernigan	Fire, smoke, and water damage restoration	yes
01/15/2016	28 Sewall Dr., Old Town	Claire Trembley	Water damage restoration	yes

The inspectors filled out TSCA's "*Receipt for Documents*" form which was later signed by Mr. Trembley and Inspector Magoon (Attachment 5).

## **VII. Closing Conference**

The inspection team explained the next steps in EPA's enforcement process. Inspector Magoon stated that Paul Davis Restoration seems to be knowledgeable of the RRP Rule and OSHA regulations. She also stated that the company now knows the difference between partial and total demolition and can improve their containment process when working on 2-story-properties. Copies of the *Notice of Inspection*, *TSCA Inspection Confidentiality* and *Receipt for Documents* forms were given to Mr. Trembley for his records. The inspectors thanked Mr. Trembley and his staff for their courtesy and cooperation during the inspection, which ended at around 3:00 p.m.

## **VIII. Compliance Assistance Activities Provided By EPA**

Inspectors Magoon and Padilla gave Mr. Trembley 2 copies of EPA's Compliance Assistance packet. Inspector Magoon stressed the importance of documentation which has to be kept for 3 years. She also stated that documentation by taking pictures before, during, and after each job is very effective.

## **List of Attachments**

1. TSCA *Notice of Inspection* form (402(c))
2. TSCA *Inspection Confidentiality Notice* form
3. Copies of RRP firm and individual renovator certificates
4. *Notification of Potential Violations of the Federal RRP Rule* form
5. TSCA *Receipt for Documents* form